

The following is an extract from the Knox County Air Quality Management regulations found at:

https://www.municode.com/library/tn/knox_county/codes/code_of_ordinances?nodeId=PTIICO_CH26EN_ARTIIAIP0

ARTICLE II. - AIR POLLUTION

FOOTNOTE(S):

--- (2) ---

State Law reference— Local regulations authorized, T.C.A. § 68-201-115.

Sec. 26-30. - Short title.

This article shall be known and may be cited as the "Knox County Department of Air Quality Management."

(Ord. No. O-99-2-101, § 1, 3-22-99)

Sec. 26-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Air contaminant means particulate matter, dust, fumes, gas, mist, smoke, vapor, or odor, or any combinations thereof.

State Law reference— Similar provisions, T.C.A. § 68-201-102(1).

Air pollution means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as to be injurious to human, plant or animal life or to property, or which unreasonably interfere with the enjoyment of life and property.

State Law reference— Similar provisions, T.C.A. § 68-201-102(3).

Board means the air pollution control board of the county, created by Chapter 37, Private Acts of 1969, unless otherwise specified.

Director means the director of the Knox County Department of Air Quality Management.

Knox County Technical Societies means a nominating committee composed of a chairman who is a representative of the Knoxville Technical Society and one representative from each of the participating engineering or scientific societies. To be eligible to participate, the society must present evidence that it has a minimum of 20 members who are residents of this county and that a significant part of its program is in an area related to air pollution.

(Ord. No. O-90-9-115, § 1, 9-10-90; Ord. No. O-99-2-101, § 2, 3-22-99)

Cross reference— Definitions generally, § 1-2.

Sec. 26-32. - Intent, purpose.

It is the intent and purpose of this article to empower the county to undertake an air quality management program that will maintain the purity of the air resources of the county consistent with the protection of the normal health, general welfare and physical property of the people, maximum employment in and full industrial development of the county. The county is empowered to seek the accomplishment of these objectives through the prevention, abatement, and control of air pollution by all practicable and economically feasible methods.

(Ord. No. O-90-9-115, § 2, 9-10-90; Ord. No. O-99-2-101, § 3, 3-22-99)

Sec. 26-33. - Administration of program.

- (a) Except as provided in this article, administration of the county's department of air quality management shall be under the jurisdiction of the county health officer, or the health officer's designee, who shall appoint a director of the air quality management department. The director shall be responsible for the direction and enforcement of the air quality management program for the county.
- (b) The director of air quality management shall possess and meet all requirements of state law to serve in such position, or shall comply with other provisions allowable under state law, to ensure the meeting of all requirements to maintain the county air quality management program as provided under general law.

(Ord. No. O-90-9-115, § 3, 9-10-90; Ord. No. O-99-2-101, § 4, 3-22-99)

Sec. 26-34. - Control board.

- (a) An air pollution control board of the county is hereby created, composed of nine members who are residents of the county, or as specified below, a resident of the Knoxville Metropolitan Area, who shall be appointed by the county commission. One of the members shall be a doctor of medicine licensed to practice medicine in the state; one shall be an engineer, or technically trained person or scientist in an area related to air pollution; one shall be representative of the industrial interests of the county, one shall be a member of the faculty or staff of the University of Tennessee and must be a resident of Knox County or the Knoxville Metropolitan area; one shall be a member of the faculty or staff of Pellissippi State Community College; one shall be an official or employee of the City of Knoxville; one shall be an official or employee of the county; one shall be an official or staff of the Knoxville Area Transportation Planning Organization; and one shall be a private citizen from the public at large who is not a public official or an employee of the county or city; provided however, that a majority of the persons who do not derive a majority of their earned income through employment by persons or industries subject to receiving and maintaining operating permits required by 40 CFR 70. Such appointments shall be made from a list of not more than three persons meeting the foregoing qualifications, respectively, nominated by each of the following: the Knoxville Academy of Medicine, the Knox County Technical Societies, the Knoxville Chamber of Commerce, the Chancellor of the University of Tennessee, the Chancellor of the Board of Regents, the Mayor of the City of Knoxville, the mayor of the county, the Chairman of the Knoxville Area Transportation Planning Organization, and the county commission. Members shall hold office for four-year terms, or until their successors are appointed and qualified. A vacancy shall be filled in the same manner, after up to three persons have been nominated to the county commission by the organization or officer as specified in this section to nominate persons qualified to fill the vacancy, for the unexpired term. Members shall serve without compensation.

- (b) The board shall meet at least quarterly each year in regular session. The board shall elect a chairman and vice-chairman biennially at its first meeting after the commencement of new terms, and it shall adopt rules of procedure to govern the conduct of its business. A member of the board may be removed by the county commission for cause. The director shall attend all meetings of the board and shall act as secretary of the board, making a record of all proceedings. Public notice shall be given of all meetings of the board and such meetings shall be open to the public. Any potential conflict of interest on the part of a member of the board shall be publicly announced to the board prior to any vote, and any member who has a direct financial interest in the outcome of any vote shall recuse himself from that vote. If either the director or the board become responsible, in whole or in part, for the design, construction and/or operation of a solid waste incinerator, neither the board nor the director shall have the power to issue a permit for such unit.
- (c) The board shall have power to adopt, after receiving the recommendations of the director, rules and regulations prescribing standards and procedures for carrying out an air pollution control program within the county, or in conjunction with other counties and municipalities. Such rules and regulations shall be reasonably related to the purpose declared in section 26-32 and shall be consistent with the substantive provisions of T.C.A. §§ 68-201-101—68-201-203, as amended, and any rules and regulations thereunder. Prior to adoption, such rules and regulations, or any amendment thereto, shall be issued in draft form and made available to any interested person, and the board shall hold a public hearing thereon, after at least 30 days' notice published in a newspaper of general circulation in the county. When adopted, such rules and regulations, and amendments thereto, shall be printed and made available at reasonable cost to any interested person, and a notice of such availability shall be published in a newspaper of general circulation in the county. The director shall issue an annual report on July 1 of each year outlining the causes of air pollution in the county, including a list of persons contributing substantially to air pollution; steps that have been taken to curb air pollution; and plans for the coming year. The director may also issue additional reports if requested.

(Ord. No. O-90-9-115, § 4, 9-10-90; Ord. No. O-94-7-101, §§ 1, 2, 8-22-94; Ord. No. O-99-2-101, § 5, 3-22-99; Ord. No. O-03-9-101, 10-27-03)

Sec. 26-35. - Director's powers; conduct of hearings.

- (a) The director and his deputies may exercise the same investigative powers delegated to the state air pollution control board or to that board's technical secretary by T.C.A. §§ 68-201-101—68-201-203. The director, in accordance with rules and regulations adopted by the board, is empowered to issue an order, or to grant a variance for a period not to exceed one year (which may be renewed for no more than two like periods unless reasonable progress has been made) to any person after according a hearing to such person. Such person, if dissatisfied with the director's decision, may within 30 days appeal therefrom to the board, which shall within a reasonable time after a public hearing confirm, modify or reverse the director's decision, which shall be subject to judicial review as provided by state law. Any other person who disagrees with any ruling of the director for any reason concerning air pollution may appeal the ruling to the board, which shall hear the appeal at its next regular meeting which shall be open to the public and the board may modify, confirm or reverse the director's decision. Procedures for hearings before the director and the board shall be prescribed in rules and regulations adopted by the board.
- (b) In the conduct of hearings as provided in this section, the director and the board shall have power to subpoena witnesses and records and shall be entitled to judicial process for enforcement of such subpoenas. No person subject to the board's rules and regulations shall be required to disclose any secret formulas, processes or methods used in any manufacturing operation carried on by him or under his direction. The composition of air contaminants shall not be considered secret unless so declared by the board and the board shall have the power to issue protection orders to prevent public dissemination.

(Ord. No. O-90-9-115, § 5, 9-10-90; Ord. No. O-94-7-101, § 3, 8-22-94)

Sec. 26-36. - Violations.

Violation of any rule or regulation duly promulgated by the board under this article is declared to be a misdemeanor, punishable as provided by state law.

(Ord. No. O-90-9-115, § 6, 9-10-90)

Sec. 26-37. - Injunctive relief.

The director may cause to be instituted a civil action in any court of competent jurisdiction for injunctive relief to prevent violation of any rule or regulation promulgated by the board under this article or of any order duly issued by the director as confirmed or modified by the board, if such is the case.

(Ord. No. O-90-9-115, § 7, 9-10-90)

Sec. 26-38. - Article for benefit of public generally.

The basis for proceedings or other actions that result from violations of this article or of rules, regulations or orders issued pursuant thereto, shall inure solely to and shall be for the benefit of the public generally, and this article is not intended to create in any way or enlarge or affect in any way any private rights. A determination that there has been a violation of this article or of any rule, regulation or order issued pursuant thereto shall not create by reason thereof any presumption or finding of fact or law for use in any lawsuit brought by a private citizen.

(Ord. No. O-90-9-115, § 8, 9-10-90)

Secs. 26-39—26-65. - Reserved.